

H. R. 464.

[No Report.]

IN THE HOUSE OF REPRESENTATIVES,

FEBRUARY 18, 1851.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. BURT, from the Committee on Military Affairs, reported the following bill:

A BILL

To diminish the compensation of officers of the army incapable of active service, and to reduce the number of majors in the regiments of infantry, artillery, dragoons, and mounted riflemen.

1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the United States of America in Congress*
3 *assembled,* That when any commissioned officer of the
4 army shall become incapable of performing the duties of
5 his office, by reason of age, wounds, or disease incurred in
6 the service of the United States, he shall be retired from
7 service, with the pay proper, without allowances of the
8 grade which he may hold at the time, in the line or staff,
9 and with the service ration to which he is entitled at the

10 time, and the officer next in the line of promotion, who is
 11 physically efficient, shall be promoted to the place of the
 12 retired officer, with the rations and emoluments appertain-
 13 ing thereto, but shall receive the pay proper of the grade
 14 from which he was promoted, until an actual vacancy shall
 15 happen, to which he may succeed, according to the hereto-
 16 fore established laws of the service ; and the same rule of
 17 promotion, pay and allowances, shall be applied succes-
 18 sively to the vacancies and promotions consequent upon
 19 the retirement of an officer as herein provided : *Provided,*
 20 That the pay and emoluments of such officer shall not ex-
 21 ceed one-half of his pay and emoluments at the time he
 22 shall be so retired.

1 **SEC. 2.** *And be it further enacted,* That to carry out
 2 the provisions of this act, whenever an officer of the army
 3 incapacitated as herein recited, shall voluntarily apply to
 4 be retired from active service, or, on being ordered to per-
 5 form the duties appropriate to his commission, shall re-
 6 port himself unable to comply with such order ; or when-
 7 ever the President of the United States shall deem an offi-
 8 cer incompetent, and in his discretion direct the procedure,
 9 the Secretary of War, on being informed thereof, is hereby
 10 authorized and required, to refer the case of such officer
 11 to an army board, to be composed of not less than three,
 12 nor more than seven commissioned officers, to be detailed

13 from those of superior rank to him whose case is under
14 consideration, as far as his grade and the interest of the
15 service will permit; and the said board shall give an
16 opinion on the merits of the case referred to them, which,
17 with the record of the whole proceedings thereon, shall be
18 transmitted to the Secretary of War, to be laid before the
19 President of the United States for his confirmation or dis-
20 approval and orders; and if found incapacitated as afore-
21 said, and if the President shall so order, the said officer
22 shall be, thereafter, regarded and taken to be a retired
23 officer according to the provisions of this act.

1 SEC. 3. *And be it further enacted,* That when the
2 provisions of this act shall go into effect, there shall be ap-
3 pointed but one major to each regiment of the army which
4 is now entitled to two.